

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRIVLY DOBBINS,

Plaintiff,

v.

NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURG, PA,

Defendants.

Case No. 19-cv-10546

Paul D. Borman
United States District Judge

R. Steven Whalen
United States Magistrate Judge

**ORDER (1) ADOPTING MAGISTRATE JUDGE WHALEN'S
SEPTEMBER 9, 2020 REPORT AND RECOMMENDATION TO GRANT
IN PART AND DENY IN PART DEFENDANT NATIONAL UNION FIRE
INSURANCE COMPANY'S MOTION TO DISMISS (ECF NO. 90) AND (2)
DENYING DEFENDANT'S REQUEST FOR DISMISSAL BUT GRANTING
MOTION IN PART AS TO SANCTIONS (ECF NO. 73)**

On September 9, 2020, Magistrate Judge R. Steven Whalen issued a Report and Recommendation to grant in part and deny in part Defendant National Union Fire Insurance Company's Motion to Dismiss (ECF No. 73). (ECF No. 90, Report and Recommendation.)

Having reviewed the Report and Recommendation, and there being no timely objections from any party under 28 U.S.C. § 636(b)(1) and E.D. Mich L. R. 72.1(d), the Court ORDERS that:

(1) Magistrate Judge Whalen's September 9, 2020 Report and Recommendation (ECF No. 90) is ADOPTED; and

(2) Defendant's request in its motion for dismissal is DENIED; but

(3) Defendant's request for sanctions is GRANTED IN PART, and the Court ORDERS as follows:

(a) Pursuant to Fed. R. Civ. P. 37(b)(2)(C), Plaintiff is ORDERED to pay to Defendant its reasonable costs and attorney fees expended in bringing this motion;

(b) Defendant shall submit a bill of costs to the Court within fourteen (14) days, and Plaintiff shall have fourteen (14) days to file a response to the bill of costs;

(c) Attorneys for the parties are ORDERED to meet and confer in person regarding Defendant's outstanding discovery requests within fourteen (14) days of this Order, and Plaintiff is ORDERED to fully respond to Defendant's outstanding discovery requests within 14 days after that meeting; and

(d) Plaintiff is hereby warned that her failure to comply with this Order, or with any discovery order, will result in the dismissal of her complaint.

IT IS SO ORDERED.

Dated: September 30, 2020

s/Paul D. Borman
Paul D. Borman
United States District Judge